

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 14-mj-71584-MAG-1
	)	
	)	
	)	<b>ORDER OF DETENTION</b>
v.	)	
	)	
MARC KEVIN SCHUHE,	)	
	)	
Defendant.	)	

Defendant Marc Kevin Schuhe, age 44, has been charged by federal indictment in the Eastern District of Tennessee with violations of 18 U.S.C. § 2423(a) (knowingly transporting a person under the age of 18 in interstate commerce with the intent to engage in sexual activity) and 18 U.S.C. § 2423(e) (attempting to do the same).

This matter came before the Court on January 2, 2015, for a hearing on the government's motion for detention. Defendant Marc Schuhe was present and represented by Assistant Federal Defender Shilpi Agarwal and Assistant United States Attorney Robert Leach appeared for the government. Pretrial Services submitted a report to the Court and the parties that recommended detention, and a representative of Pretrial Services was present at the hearing. Proffers and arguments regarding detention were submitted by the parties at the hearing.

1 Upon consideration of the facts, proffers and arguments presented, the Court finds by clear  
2 and convincing evidence that no condition or combination of conditions will reasonably assure the  
3 safety of other persons and the community. Accordingly, the Court concludes that Defendant  
4 must be detained pending trial in this matter.

5 The present order supplements the Court's findings at the detention hearing and serves as  
6 written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

7 With respect to all of the subsequent findings, this case involves a rebuttable presumption  
8 in favor of detention pursuant to 18 U.S.C. § 3142(e)(3) because Defendant has been charged by  
9 grand jury indictment with an offense involving a minor under section 2423. While the ultimate  
10 burden of persuasion rests upon the government, the Court finds that Defendant did not proffer  
11 facts or information sufficient to rebut the presumption.

12 While Defendants' parents are appropriate sureties, and would do their best to ensure that  
13 Defendant comply with his conditions of release, the facts proffered as to Defendant's behavior  
14 following his initial law enforcement contact about this case lead the Court to find that no  
15 conditions would be sufficient to assure the safety of the minor victim. In particular, after  
16 Defendant was contacted by law enforcement and ordered to return the minor to her home in  
17 Tennessee, Defendant was indisputably aware that she was a minor. Despite such knowledge,  
18 Defendant continued to contact the minor and profess his love for her and his desire to continue  
19 their sexual relations, even going so far as to advise that he was buying an airplane ticket for a  
20 specific date to bring her back to California. Defendant is thus unable to control his conduct with  
21 respect to the minor, even when he knows it is illegal and will have severe consequences.

22 The Court also notes that Defendant is not employed, does not provide any financial  
23 support his three minor children, and has numerous probation revocations stemming from  
24 convictions for driving under the influence of alcohol.

25 In light of the above, the Court finds that the government has shown by clear and  
26 convincing evidence that no condition or combination of conditions will reasonably assure the  
safety of other persons and the community.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

1. Defendant Schube, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. Defendant Schube be afforded reasonable opportunity for private consultation with counsel; and

3. The United States Marshal transfer Defendant Schube to the Eastern District of Tennessee forthwith.

**IT SO ORDERED.**

Dated: January 2, 2015

  
HON. JACQUELINE SCOTT CORLEY  
United States Magistrate Judge